

at least once in three months on the said island or some other convenient place to confer and conclude concerning the matters hereby committed to them, and shall cause fair minutes of their proceedings to be kept in a book to be provided for that purpose; in every of which meetings the resolutions of any three of them shall be entered on their minutes and deemed and taken as the resolutions of the whole, to which minutes and also to the treasurer's accounts all persons concerned shall have free recourse at all seasonable times.

Passed April 12, 1760. Referred for consideration by the King in Council, January 20, 1761, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXII, Sections I, III and VII, and the Acts of Assembly passed February 15, 1765, Chapter 523; February 21, 1767, Chapter 558; March 22, 1784, Chapter 1085; January 30, 1804, P. L. 29; March 13, 1839, P. L. 85; April 12, 1853, P. L. 369.

---

## CHAPTER CCCCLVI.

---

AN ACT TO PREVENT THE HUNTING OF DEER AND OTHER WILD BEASTS BEYOND THE LIMITS OF THE LANDS PURCHASED OF THE INDIANS BY THE PROPRIETARIES OF THIS PROVINCE AND AGAINST KILLING DEER OUT OF SEASON.

Whereas many disorderly people have made it a practice of hunting on the lands not yet purchased of the Indians, to their great damage and dissatisfaction, which may be attended with fatal consequences to the peace and welfare of this province by destroying that union and harmony which this government [has] lately restored and concluded with the Indians at a very great expense. And whereas many of the industrious inhabitants on the frontiers of this province are thereby discouraged from returning and settling upon the plantations which they were obliged to leave and evacuate during the [late] Indian incursions; therefore, to remedy the great mischiefs which may ensue from the continuance of this evil practice:

[Section I.] Be it enacted by the Honorable James Hamilton, Esquire, Lieutenant-Governor under the Honorable Thomas

Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That if any person or persons whatsoever, either singly or in companies, after the passing of this act shall presume to hunt, chase or follow any deer, buck, doe, fawn or any other wild beast, wild fowl or game whatsoever or shall set traps for beaver or other beasts without the limits of the lands purchased of the Indians by the proprietaries of this province, such person or persons so offending and being thereof legally convicted in any court of quarter sessions of the county where such offender shall be apprehended (in which said court the same offense is hereby made cognizable) by the oath or affirmation of one or more witnesses or by the confession of the party, every person so offending shall forfeit and pay for every such offense the sum of fifty pounds or suffer twelve months imprisonment without bail or mainprise; one moiety of the above fine shall be paid to the prosecutor and the other moiety to the overseers of the poor of the township, where such offender shall reside, for the use of the poor of the said township, if resident within this province; [if] otherwise where he shall be apprehended.

[Section II.] And be it further enacted by the authority aforesaid, That the constable of each respective township in every county of this province having any knowledge of any offenses against this act shall and he is hereby required, under the penalty of five pounds, to present on oath or affirmation, every such offense to some one justice of the peace of their respective counties or before the justices of the general quarter sessions of the peace for the same county, together with the name or names of all such offenders, that they may be tried agreeable to the directions of this act.

[Section III.] And be it further enacted by the authority aforesaid, That if any person or persons shall, after the publication of this act, hunt, chase or follow, with a design to kill, or shall kill or [destroy] any buck, doe or fawn within the lands already or hereafter to be purchased of the Indians at any other

time or season excepting only between the first day of the month of August and the first day of the month of January, and shall be lawfully convicted thereof by the oaths or affirmations of one or more credible witnesses or the confession of the party before one or more justices of the peace for the respective county where such offense shall be committed, he or they shall forfeit and pay the sum of three pounds for every such offense to the uses aforesaid, provided such conviction be made within six months after such offense committed.

And for the more certain convicting of offenders against this act:

[Section IV.] Be it further enacted by the authority aforesaid, That every person in whose custody shall be found or who shall expose to sale any green deer skins, fresh venison or deer's flesh at any other time of the year than what is before excepted, such green deer skins, fresh venison or deer's flesh shall be deemed and taken as evidence of the guilt of the person in whose custody the same shall be found.

Provided always, That nothing contained in this act shall be deemed or construed to extend to any free native Indians carrying guns, hunting, killing and having in their custody any skins or deer's flesh for their own use, anything in this [act] to the contrary notwithstanding.

And whereas divers abuses, damages and inconveniences have arisen by persons carrying guns and presuming to hunt on other people's lands, for remedy whereof for the future:

[Section V.] Be it enacted by the authority aforesaid, That if any person or persons shall presume at any time after the publication of this act to carry any gun or hunt on any inclosed or improved lands of any of the inhabitants of this province other than his own unless he shall have license or permission from the owner of such lands, or shall presume to fire a gun on or near any of the King's highways and shall be thereof convicted, either upon view of any justice of the peace within this province or by the oath or affirmation of any one or more witnesses before any justice of the peace, he shall for every such offense forfeit the sum of forty shillings.

[Section VI.] And be it further enacted by the authority

aforesaid, That no person whatsoever shall presume to shoot at or kill with a fire-arm any pigeon, dove, partridge or other fowl in the open streets of the city of Philadelphia, or in the gardens, orchards and inclosures adjoining upon and belonging to any of the dwelling-houses within the limits of the said city or suburbs thereof, or any of the boroughs or towns within this province upon the forfeiture of forty shillings for every such offense, to be convicted in manner aforesaid.

[Section VII.] And be it further enacted by the authority aforesaid, That if any person or persons shall hunt or kill any kind of game on the Sabbath day and shall be convicted thereof in manner last aforesaid, every such offender shall forfeit and pay the sum of forty shillings for every such offense.

All which penalties and forfeitures not hereinbefore appropriated shall be paid, one moiety thereof to the informer and the other to the overseers of the poor of the township where such offense is committed for the use of the poor of the [said] township, but if convicted upon view of a justice of the peace the whole forfeiture shall be paid to the overseers of the poor of the said township for the use of the poor of said township; and if the offender refuse to pay, the same shall be levied by distress and sale of the offender's goods by warrant under the hand and seal of the justice before whom such offender shall be convicted, returning the overplus, if any, to the owner, the charge of distraining being first deducted; and for want of such distress he shall be committed to prison, where the forfeiture is three pounds, for the space of thirty days; and where the forfeiture is forty shillings, for the space of twenty days, without bail or main-prise; and if such offender be a negro or mulatto slave, he shall, instead of such imprisonment, be publicly whipped at the discretion of the magistrate, not exceeding thirty-one lashes, unless the master or mistress of such slave shall pay the fine or fines hereby inflicted.

[Section VIII.] And be it enacted by the authority aforesaid, That the act, entitled "An act to prevent the killing of deer out of season and against carrying of guns and hunting by persons not qualified,"<sup>1</sup> and the act, entitled "A supplement to the law,

---

<sup>1</sup> Passed August 26, 1721, Chapter 246.

entitled 'An act to prevent the killing of deer out of season, and against carrying of guns and hunting by persons not qualified,'<sup>2</sup> and an act, entitled "An act for amending the laws of this province against killing of deer out of season,"<sup>3</sup> and every article, clause and thing in the said acts and each and every of them contained shall be and hereby are declared to be repealed, null and void to all intents and purposes whatsoever.

Passed April 9, 1760. Referred for consideration by the King in Council, January 20, 1761, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXII, Sections I, III and VII.

As to Sections I-IV, see the Acts of Assembly passed April 8, 1840, P. L. 250; March 4, 1841, P. L. 55; April 29, 1844, P. L. 524; April 11, 1845, P. L. 370; March 3, 1848, P. L. 97; March 24, 1848, P. L. 223; (the two acts of) April 10, 1849, P. L. 549, 631; April 2, 1850, P. L. 319; (the two acts of) April 30, 1850, P. L. 633, 634; May 15, 1850, P. L. 1056; March 24, 1851, P. L. 213; (the two acts of) April 10, 1851, P. L. 406, (1856) 588; April 11, 1851, P. L. 799; (the two acts of) April 12, 1851, P. L. 424, 452; April 9, 1852, P. L. 300; March 3, 1853, P. L. 701; March 11, 1853, P. L. 169; April 2, 1853, P. L. 285; April 14, 1853, P. L. 422; April 18, 1853, P. L. 831; April 20, 1854, P. L. 413; February 10, 1855, P. L. 27; March 29, 1856, P. L. 182; April 8, 1857, P. L. 174; May 20, 1857, P. L. 606; March 19, 1858, P. L. 131; April 22, 1858, P. L. 455; March 24, 1859, P. L. 220; March 30, 1859, P. L. 306; April 2, 1859, P. L. 346; (the two acts of) April 14, 1859, P. L. 645, 653; March 21, 1860, P. L. 217; March 26, 1860, P. L. 267; March 30, 1860, P. L. 373; April 2, 1860, P. L. 507; March 22, 1861, P. L. 179; (the two acts of) May 1, 1861, P. L. 550, 643; February 21, 1862, P. L. 40; March 27, 1862, P. L. 214; April 9, 1862, P. L. 350; April 10, 1862, P. L. 374; April 18, 1864, P. L. 468; February 27, 1865, P. L. 205; March 22, 1865, P. L. 539; March 27, 1866, P. L. 330; (the two acts of) April 4, 1866, P. L. 492, 508; (the three acts of) April 11, 1866, P. L. 564, 707, 746; March 14, 1867, P. L. 455; April 13, 1867, P. L. 1219; February 28, 1868, P. L. 245; March 24, 1868, P. L. 442; April 11, 1868, P. L. 853; April 13, 1868, P. L. 1058; February 5, 1869, P. L. 113; (the two acts of) February 18, 1869, P. L. 185, 202; February 19, 1869, P. L. 227; April 15, 1869, P. L. 1089; April 17, 1869, P. L. 1149; April 21, 1869, P. L. 84; February 10, 1870, P. L. 126; April 5, 1870, P. L. 50; April 23, 1871, P. L. 245; May 5, 1871, P. L. 570; May 6, 1871, P. L. 606; May 12, 1871, P. L. 779; June 2, 1871, P. L. 288; March 23, 1872, P. L. 530; May 1, 1873, P. L. 89; May 1, 1874, P. L. 291; May 25, 1874, P. L. 299; March 18, 1875, P. L. 26; May 4, 1876, P. L. 207; May 5, 1876, P. L. 104; March 24, 1877, P. L. 45; (the two acts of) June 3, 1878, P. L. 157, 160; June 4, 1879, P. L. 91; June 10, 1881, P. L. 92; June 27, 1883, P. L. 163; (the two acts of) June 26, 1895, P. L. 390, 391; June 27, 1895, P. L. 403; June 4, 1897, P. L. 123.

<sup>2</sup> Passed February 6, 1730-31, Chapter 323.

<sup>3</sup> Passed January 27, 1749-50, Chapter 383.

As to Section V, see the Acts of Assembly passed March 7, 1821, P. L. 84; April 11, 1844, P. L. 250; March 31, 1860, P. L. 427; March 6, 1868, P. L. 274; October 29, 1873, P. L. (1874) 442.

As to Section VII, see the Acts of Assembly passed March 30, 1779, Chapter 833; September 25, 1786, Chapter 1248; April 22, 1794, Chapter 1758; April 21, 1869, P. L. 84; May 1, 1873, P. L. 89; May 5, 1876, P. L. 104; June 3, 1878, P. L. 160; June 4, 1897, P. L. 123.

---

## CHAPTER CCCCLVII.

---

### AN ACT FOR REGULATING THE OFFICERS AND SOLDIERS IN THE PAY OF THIS PROVINCE.

Whereas by an act of general assembly of this province passed in the present year of His Majesty's reign, entitled "An act for granting to His Majesty the sum of one hundred thousand pounds and for striking the same in bills of credit," &c.,<sup>1</sup> it is provided and enacted that the sum of one hundred thousand pounds be granted to His Majesty's use for and towards raising, paying and clothing two thousand seven hundred effective men (officers included) to act in conjunction with a body of His Majesty's British forces in such offensive operations as shall be carried on and prosecuted by His Majesty's commander in chief in these parts during the ensuing campaign and for other purposes for His Majesty's use. And whereas numbers of armed men assembled together without any clear and express law for their government may become dangerous to the King's peace, ruinous to each other and of little service to the public, therefore:

[Section I.] Be it enacted by the Honorable James Hamilton, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That all officers commissioned and in pay or that shall hereafter be commissioned and in pay, and such soldiers as

---

<sup>1</sup>Passed April 12, 1760, Chapter 453.